



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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MARTHA NIMMER
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June 2, 2023

VIA ECF

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *D.H. v. N.Y.C. Dep't of Education*, 23-cv-974 (KPF)(OTW)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request i) a 6-week extension of Defendant's time to respond to the complaint, from June 5, 2023 to July 17, 2023, and ii) a 6-week extension of the joint status letter filing deadline, from July 6, 2023 to August 17, 2023. I have requested Plaintiff's consent, but have not received a response, although I note that Plaintiff's counsel typically agrees to these extensions. This is the second request for an answer extension and the first request for an extension of the joint status letter filing deadline. The first request for an answer extension was made on March 3, 2023 and granted by Your Honor the same day.

The requested extension will provide the undersigned with time to receive settlement authority from the Comptroller's Office and then make an initial offer to Plaintiff. We are

hopeful that the parties will settle this matter without the need for further burden on the Court's time.

Accordingly, Defendant respectfully requests that its time to respond to the complaint be extended to July 17, 2023 and that the deadline for filing a joint status letter be extended to August 17, 2023.

Thank you for considering this request.

Respectfully submitted,

/s/

Martha Nimmer, Esq.
Special Assistant Corporation Counsel

cc: Kevin Mendillo, Esq. (via ECF)

Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket entry 10.

Dated: June 2, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE